

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/717,347	KERR ET AL.	
	Examiner	Art Unit	
	Roberta Prendergast	2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/3/2006.
2. ☒ The allowed claim(s) is/are 37-65.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

#### **Art Unit Designation has changed from 2671 to 2628**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roland R. Schindler II/jrk on 5/11/2006.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: remove superfluous element 36, located to the right of element 70, from Fig. 1 of the replacement sheet filed 3/3/2006 as it is not being used to indicate an element of the invention. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance:

Regarding claim 37, cited prior art does not teach a viewing device for viewing at least one image transparency having an associated tracking memory, the viewing device comprising at least one radio frequency read write device for obtaining electronic

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data stored in an associated tracking memory of an image transparency positioned proximate to the viewing surface wherein the tracking memory has a set of access privileges stored therein, a viewing area radio frequency read write device wherein the viewing area radio frequency read write device sends a first electromagnetic field into a viewing area to identify at least one viewer in the viewing area by means of a second electromagnetic field sent from at least one radio frequency transponder associated with the at least one viewer in response to the first electromagnetic field, said second electromagnetic field having information stored in a memory of the at least one radio frequency transponder, said stored information including information from which viewing privileges can be determined; and a control processing unit adapted to receive said obtained data from said associated tracking memory and to use the obtained data for forming the at least one electronic image, said control processing unit being adapted to use information obtained from the tracking memory to define access privileges required for viewing patient related data, without reference to external data sources, and to determine viewing privileges for any identified viewer from information provided in any received second electromagnetic field, said control processing unit being adapted to prevent the illumination device and the display device from facilitating viewing of an image transparency, other patient related images, or patient related content unless the defined access privileges correspond to the determined viewing privileges.

Claims 38-57 are dependent on claim 37 and are allowed for the reasons cited above.

Regarding claim 58, cited prior art does not teach a viewing device for viewing at least one image transparency having an associated tracking memory, the viewing device comprising a radio frequency read write device for obtaining electronic data stored in a tracking memory of an image transparency positioned proximate to the viewing surface, said electronic data including access privilege information and for obtaining electronic data including viewing privilege information stored in a radio frequency transponder associated with at least one viewer in a viewing area; and a control processing unit adapted to receive said obtained data from said associated tracking memory and to use the obtained data for forming the at least one electronic image and for controlling the appearance of at least one illumination pattern; wherein the control processing unit does not allow the illumination device to form an illumination area for viewing the image transparency or to present the formed image unless the control processing unit determines that the access privilege information corresponds to the viewing privilege information.

Claims 59-61 are dependent on claim 58 and are allowed for the reasons cited above.

Regarding claim 62, cited prior art does not teach a viewing device for viewing at least one image transparency having an associated tracking memory, the apparatus comprising a means for reading data from the tracking memory and means for obtaining data from a radio frequency transponder associated with at least one viewer in a viewing area, said data including viewing privilege data; and a means for operating the illumination device so that the illumination device does not form an illumination area for

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viewing the image transparency unless the control processing unit determines, from the data obtained from the tracking memory and from the data obtained from the radio frequency transponder associated with the viewer that the viewer is authorized to view the image transparency.

Claims 63-65 are dependent on claim 62 and are allowed for the reasons cited above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta Prendergast whose telephone number is (571) 272-7647. The examiner can normally be reached on M-F 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RP 5/11/2006

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER